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PATENT
Attorney Reference Number 4239-58378

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tosato et al.

Application No. 09/807,148

Filed: April 5, 2001

For: USE OF CALRETICULIN AND CALRETICULIN FRAGMENTS TO INHIBIT ENDOTHELIAL CELL GROWTH AND ANGIOGENESIS, AND SUPPRESS TUMOR GROWTH

Examiner: Not yet assigned

Date: May 29, 2001

Art Unit: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 29, 2001, as First Class Mail in an envelope addressed to: BOX PCT, COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.

William D. Noonan
William D. Noonan, M.D.
Attorney for Applicant

TRANSMITTAL LETTER

BOX PCT
COMMISSIONER FOR PATENTS
Washington, DC 20231

Enclosed for filing in the application referenced above are the following:

- ☒ Copy of Notification of Missing Requirements
- ☒ Response to Notification of Missing Requirements (w/ Exhibits A & B)
- ☒ Nucleotide and/or Amino Acid Sequence Submission
 - ☒ Computer Readable Copy
 - ☒ Paper Copy (identical to computer copy), 18 pages
 - ☒ Statement in compliance with 37 C.F.R. § 1.821 verifying identity of above copies
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By William D. Noonan
William D. Noonan, M.D.
Registration No. 30,878

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Docketing

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William D. Noonan

William D. Noonan, M.D.
Attorney for Applicant

BOX PCT
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

This is a response to the Notification of Missing Requirements for the above-identified U.S. National Stage Application, dated May 8, 2001.

Claim Fees

The Notification indicates that the claim amendments made under Article 34 in the parent PCT Application have replaced the claims as originally filed, and accordingly an extra claims fee of $672 is now due. A copy of the Transmittal Letter that was filed on April 5, 2001 for the instant application is attached as **Exhibit A.** The transmittal letter documents that Article 19 Amendments were not made and will not be made, and notes the submission of a Preliminary Amendment. Applicants respectfully request that the examination of this application refer to the 59 claims as amended in the Preliminary Amendment that was also filed on April 5, 2001 (a copy of which is attached to this Response as **Exhibit B**). Applicants submit, therefore, that the total number of claims is 59, with 12 independent claims and no multiple dependencies.

Applicants note that a copy of the Article 34 claims was attached to the International Preliminary Examination Report that was filed with the instant application on April 5, 2001. However, this copy of the Article 34 claims was included only as a courtesy to the U.S. Examiner. Do not enter the courtesy copy of the Article 34 claims, or calculate the fee based on these claims. Only enter the Preliminary Amendment dated April 5, 2001, and calculate the fee based on this amendment of the claims as they were before the Article 34 Amendment.

Applicants submit that the total extra claims fee for the 59 pending claims is $1,422.00, the full amount of which was paid on filing. Applicants submit that no extra claims fee is currently due.

Sequence Listing

Also enclosed are a paper copy of the sequence listing for this application, a computer readable copy on diskette, and a statement in compliance with 37 C.F.R. § 1.821 verifying identity of both copies, to comply with the request for the sequence listing pursuant to 37 C.F.R. § 1.821-1.825.

Conclusion

If any issues remain before examination of the subject application, the Examiner is respectfully requested to telephone the undersigned Applicants' representative. In particular, if any additional claim fees are required, please telephone the undersigned to discuss this matter.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By 
William D. Noonan, M.D.
Registration No. 30,878

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

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William D. Noonan

William D. Noonan, M.D.
Attorney for Applicant

STATEMENT IN COMPLIANCE WITH 37 C.F.R. § 1.821(f)

BOX PCT
COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

In compliance with 37 C.F.R. § 1.821(f), the undersigned declares that the nucleotide and/or amino acid sequences presented in the paper copy of the "Sequence Listing" submitted herewith are the same as the sequences contained in the computer-readable form of said "Sequence Listing." No new matter has been added.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By William D. Noonan
William D. Noonan, M.D.
Registration No. 30,878

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